
OLR Bill Analysis

sSB 983

AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION REGARDING UNCLASSIFIED FELONIES.

SUMMARY:

By law, felonies are punishable by more than one year imprisonment. They are classified according to severity as class A, B, C, or D. There are also unclassified felonies punishable by more than one year in prison.

This bill creates a new felony classification, a class E felony, punishable by up to three years in prison, a fine of up to \$3,500, or both. For class D felonies, the bill eliminates a minimum one-year prison term, which is not a mandatory minimum and can be fully suspended by a judge. Thus, the bill makes class D felonies punishable by up to five years in prison, a fine of up to \$5,000, or both.

The bill also adjusts the penalties of many currently unclassified felonies to fit them into classifications while deeming others to be classified.

Regarding class E felonies, the bill:

1. classifies 11 unclassified felonies as class E felonies without changing their prison penalties but increasing their maximum fines;
2. classifies one unclassified felony as an E felony by changing its prison penalty and fine; and
3. deems (a) 11 unclassified felonies to be class E felonies without changing their prison penalties but increasing their maximum fines, (b) one additional unclassified felony to be a class E felony with a change in prison penalty and fine, and (c) any other

unclassified felony with a maximum prison term of more than one but not more than three years to be a class E felony without any changes to the prison term or fine.

Regarding class D felonies, the bill classifies as class D felonies:

1. 24 unclassified felonies without changing their maximum prison penalty and fine but eliminating a one-year minimum sentence that is not a mandatory minimum and can be fully suspended by a judge,
2. 38 unclassified felonies without changing their prison penalties but increasing their maximum fines,
3. one unclassified felony by changing its prison penalty and fine, and
4. 39 unclassified felonies without any change in prison penalty or fine.

Regarding class C felonies, the bill classifies six unclassified felonies as class C felonies without changing their maximum prison penalties but adding a minimum one-year prison term, which is not a mandatory minimum and can be suspended fully by a judge (it also increases the fine for one of these crimes).

Finally, the bill makes technical and conforming changes (§§ 5-7, 92).

EFFECTIVE DATE: October 1, 2013

§§ 1-3 — CLASSES OF FELONIES AND UNCLASSIFIED FELONIES DEEMED CLASSIFIED

By law, felonies are crimes that are punishable by more than one year in prison. Table 1 displays the current felony classifications and their penalties.

Table 1: Current Felony Classifications and their Penalties

<i>Felony</i>	<i>Prison Term</i>	<i>Fine</i>
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Class A felony (murder with special circumstances)	Life without the possibility of release	Up to \$20,000
Class A felony (murder)	25 to 60 years	Up to \$20,000
Class A felony (aggravated sexual assault of a minor)	25 to 50 years	Up to \$20,000
Class A felony	10 to 25 years	Up to \$20,000
Class B felony (1st degree manslaughter with a firearm)	Five to 40 years	Up to \$15,000
Class B felony	One to 20 years	Up to \$15,000
Class C felony	One to 10 years	Up to \$10,000
Class D felony	One to 5 years	Up to \$5,000

The bill creates a new class E felony punishable by up to three years in prison, a fine of up to \$3,500, or both. Under the bill, an unclassified felony that specifies a maximum prison penalty that is more than one year but not more than three years is deemed a class E felony.

The bill also eliminates the statutory one-year minimum sentence for a class D felony. Because the one-year sentence is not a mandatory minimum sentence, a judge can currently suspend all or a portion of it.

The bill allows for fines, other than those listed in Table 1, if a statute so specifies.

§§ 4 & 8 — PRETRIAL RELEASE OF INMATES

The bill applies two rules about the pretrial release of inmates to the crimes it classifies as D and E felonies.

Release from Prison

By law, the Department of Correction (DOC) can release arrestees charged only with a misdemeanor or most class D felonies to a DOC-approved residence unless a court orders otherwise. The bill extends DOC's authority to release pretrial inmates under this provision to anyone charged with a class E felony.

By law, DOC can impose conditions when it releases a person under this provision, including requiring participating in a substance abuse treatment program and using electronic monitoring or other

monitoring technology or services. The person remains under DOC custody and is supervised by DOC employees. The person can be returned to prison for violating the conditions.

Bail Modification

The law requires a bail modification review every 30 days for someone (1) charged with a class D felony or misdemeanor and (2) incarcerated because he or she cannot make bail. This does not apply to someone held pending extradition to another state or for a parole violation. The bill extends this review requirement to anyone charged with a class E felony.

UNCLASSIFIED FELONIES CLASSIFIED OR DEEMED CLASSIFIED AS CLASS E FELONIES

Classified With No Change In Prison Penalty But Increased Maximum Fines

The bill classifies the 11 crimes in Table 2 as class E felonies. In doing so, the maximum prison sentence each carries remains the same, but the maximum fines increase to \$3,500. In one instances, the bill eliminates a minimum fine (§ 26).

Table 2: Unclassified Felonies Classified as E felonies With No Change in Prison Penalty but Increased Fines

<i>Bill §</i>	<i>Statute §</i>	<i>Description</i>	<i>Current Penalty (prison term, fine, or both)</i>
21	9-355	Willful neglect of election duty or fraud	Up to three years Up to \$2,000
22	14-149(f)	Altering a motor vehicle identification number or possessing a vehicle with an altered number (1 st offense)	Up to three years Up to \$2,500
23	22-126	Illegally entering a horse in a race	Up to three years Up to \$1,000
25	29-37(a)	Violating pistol permit requirements or failing to display gun sales permit	Up to three years Up to \$500
26	31-48a(a)	Hiring professional strikebreakers	Up to three years \$100 to \$1,000

27	51-87(a)	Illegally soliciting cases for an attorney	Up to three years Up to \$1,000
27	51-87(b)	Illegally receiving payment for an attorney referral	Up to three years Up to \$1,000
28	51-87b	Illegal referral to a real estate broker	Up to three years Up to \$1,000
29	53-202f(a)	Illegally transporting an assault weapon	Up to three years Up to \$500
30	53-206(a)	Carrying a dangerous weapon	Up to three years Up to \$500
31	53-368	False certification re oath	Up to three years Up to \$1,000

Classified With Change in Prison Penalty and Fine

The bill classifies as a class E felony the crime of stealing, confining, concealing, killing, or injuring a companion animal or concealing the identity of its owner, when it is a subsequent offense or involves multiple animals (§ 24, CGS § 22-351). Accordingly, it eliminates a minimum one-year prison term, which is not a mandatory minimum and can be fully suspended by a judge, and retains the maximum three-year prison term. It also increases the maximum fine from \$2,000 to \$3,500.

Deemed Classified With Increased Maximum Fines

The bill deems the 11 crimes in Table 3 to be class E felonies without changing their prison penalties, but increasing their maximum fines to \$3,500, which is the maximum fine set for a class E felony.

Table 3: Unclassified Felonies Deemed to be Class E felonies With No Change in Prison Penalty but Increased Fines

<i>Bill §</i>	<i>Statute §</i>	<i>Description</i>	<i>Current Penalty (prison term, fine, or both)</i>
9	30-86(b)(2)	Delivering liquor to a minor	Up to 18 months Up to \$1,500
11	14-196(b)	Willfully misusing a motor vehicle title certificate	Up to two years Up to \$1,000

12	21a-165	Selling defective oil	Up to two years Up to \$300
13	21a-255(b)	Certain controlled substance violations including failing to keep drug records with intent to violate the drug laws and various other controlled substance violations without other penalties such as making controlled substances without a license, illegally dispensing them, and violating labeling requirements (1 st offense)	Up to two years Up to \$1,000
14	29-152	Violating professional bondsmen requirements	Up to two years Up to \$1,000
15	30-99	Selling adulterated liquor	Up to two years Up to \$1,000
16	36b-28(b)	Violating the uniform securities act	Up to two years Up to \$2,000
17	36b-73(b)	Violating the business opportunity investment act	Up to two years Up to \$2,000
18	38a-658	Violating credit life, accident, or health insurance requirements	Up to two years Up to \$1,500
19	53-201	Illegally aiding a prize fight	Up to two years Up to \$500
20	53a-209	Violating an injunction-obscene matters	Up to two years Up to \$1,000

Deemed Classified With Change in Prison Penalty and Fine

The bill deems the crime of fraudulent voting on a regional school district budget to be a class E felony. It leaves in place the maximum prison penalty of two years but increases the maximum fine from \$500 to \$3,500 and eliminates a minimum \$300 fine and a minimum one year prison sentence, which is not a mandatory minimum and can be suspended fully by a judge (§ 10, CGS § 10-51).

UNCLASSIFIED FELONIES CLASSIFIED AS CLASS D FELONIES

Classified with a Change in Minimum Prison Penalty But No Change In Maximum Prison Penalty or Fine

Currently, the 23 unclassified crimes in Table 4 are punishable by one to five years in prison and a fine of up to \$5,000. The bill classifies these crimes as class D felonies. In doing so, it (1) eliminates the minimum one year sentence, which is not a mandatory minimum

sentence and can be suspended entirely by a sentencing judge and (2) does not change the maximum fine.

Table 4: Unclassified Felonies Classified as D Felonies With Change in Minimum Prison Penalty But No Change in Maximum Prison Penalty or Fine

<i>Bill §</i>	<i>Statute §</i>	<i>Description</i>
33	4d-39(d)	Violating nondisclosure requirements-Department of Information Technology contract
40	9-623	Violating campaign financing requirements
42	12-206(e)	Insurance, hospital, or medical corporation tax fraud
43	12-231(b)	Corporation business tax fraud
44	12-268e(b)	Public service company tax fraud
45	12-304(b)	Avoiding tax on 20,000 or more cigarettes (this penalty also applies to cigarette use or storage tax fraud under CGS § 12-321)
46	12-306b(b)	Cigarette tax fraud
47	12-330f(c)	Willfully avoiding tobacco taxes
48	12-330j(b)	Tobacco products tax fraud
49	12-405d(g)	Estate income tax fraud
50	12-428(2)	Sales/use tax return fraud
51	12-452(b)	Alcoholic beverage tax fraud
52	12-464(b)	Motor vehicle fuels tax fraud
53	12-482(b)	Motor carrier road tax fraud
54	12-519(b)	Dividend, interest, and capital gains tax fraud
55	12-551(b)	Admission or cabaret tax fraud
56	12-591(b)	Petroleum products tax fraud
57	12-638g(b)	Controlling interest transfer tax fraud
58	12-737(b)	State income tax fraud
84	20-329x	Prohibited acts-real estate
109	45a-729	Illegally placing a child for adoption
110	49-8a(h)	Recording a false affidavit on land records
119	54-142c(b)	False statement-obtaining criminal history

Similarly, the bill classifies the crime of sale or possession of zappers or phantom-ware (which falsify cash register receipts) as a class D felony. In doing so, the bill eliminates the current one year minimum prison penalty, which is not a mandatory minimum and can be fully suspended by the judge; retains the maximum five year prison term;

and retains the maximum \$100,000 fine (§ 120, CGS § 12-428a(b)).

Classified With No Change In Prison Penalty But Increase In Maximum Fine

The bill classifies the 38 crimes in Table 5 as class D felonies, retains their maximum prison penalties, but increases their maximum fines. In two instances, it eliminates a minimum fine (§§ 39 and 61). One crime, carrying a pistol without a permit, currently carries a mandatory minimum sentence which the bill retains (§ 25).

Table 5: Unclassified Felonies Classified as D Felonies With No Change in Prison Penalty But Increased Fines

Bill §	Statute §	Description	Current Penalty (prison term, fine, or both)
25	29-37(b)	Carrying a pistol without a permit	Up to five years One-year mandatory minimum absent mitigating circumstances Up to \$1,000
32	1-103	Hindering legislation by threat	Up to five years Up to \$1,000
34	7-64	Violating requirements for disposal of a dead body	Up to five years Up to \$500
35	7-66(d)	Violating a sexton's burial duties	Up to five years Up to \$500
36	9-264	Illegally assisting a disabled voter	Up to five years Up to \$1,000
37	9-352	Tampering by an election official	Up to five years Up to \$1,000
38	9-353	False return by an election officer	Up to five years Up to \$1,000
39	9-354	Improperly printing a ballot label	Up to five years \$100 to \$1,000
61	15-69(a)	Tampering with an airport or its equipment	Up to five years \$200 to \$1,000
64	17a-83	False statement-commit child to a hospital	Up to five years Up to \$1,000

65	17a-274(m)	False statement-involuntary commitment	Up to five years Up to \$1,000
66	17a-504	False statement-mentally ill commitment	Up to five years Up to \$1,000
69	19a-324	Violating cremation requirements including certain false statements and illegally removing a body for cremation	Up to five years Up to \$500
70-79	Various from 20-14 to 20-138a(b)	Practicing the following without a license: medicine, chiropractic, natureopathy, podiatry, physical therapy, occupational therapy, nursing, dentistry, dental hygiene, or optometry	Up to five years Up to \$500
80	20-161	Violating optician requirements	Up to five years Up to \$500
81	20-185i(b)	Misrepresenting self as board certified behavior analyst	Up to five years Up to \$500
82	20-193	Practicing psychology without a license	Up to five years Up to \$500
83	20-206p	Illegally using dietitian or nutritionist title	Up to five years Up to \$500
85	20-395h	Violating audiologist requirements	Up to five years Up to \$500
86	20-417	Violating speech pathology or audiology requirements	Up to five years Up to \$500
88	21a-279(b)	Possessing hallucinogens or more than 4 oz. marijuana (1 st offense)*	Up to five years Up to \$2,000
88	21a-279(c)	Possessing controlled substances or between .5 and 4 oz. marijuana (2 nd and subsequent offenses)*	Up to five years Up to \$3,000
93	28-22	Damaging civil preparedness equipment	Up to five years Up to \$1,000
94	29-36	Illegally altering firearm identification	Up to five years Up to \$1,000
112	53-23	Abandoning a child	Up to five years Up to \$500
113	53-200	Illegal prize fighting	Up to five years Up to \$1,000
115	53-320	Distributing noxious seed or poisons	Up to five years Up to \$1,000
116	53-334	Unlawful disinterment	Up to five years Up to \$2,000

117	53-341	Illegally using the title of physician, surgeon, doctor, or osteopath	Up to five years Up to \$500
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*The law authorizes an alternative indeterminate sentence for this crime which is unchanged by the bill.

Current law punishes practicing advanced nursing unless a person is a licensed advanced practice registered nurse. The bill instead punishes unlicensed practice only if it is done for remuneration. The bill makes this punishable as a class D felony, which increases the maximum fine for violations from \$500 to \$5,000 but does not change the prison penalty (§ 76).

Classified With Change in Prison Penalty and Fine

The bill classifies the crime of motor vehicle title certificate fraud as a class D felony (§ 11, CGS § 14-196(a)). It eliminates a one year minimum prison term, which is not a mandatory minimum and can be fully suspended by a judge, and retains the five-year maximum term. It also eliminates a minimum \$500 fine and increases the maximum fine from \$1,000 to \$5,000.

Classified With No Change in Prison Penalty or Fine

The bill classifies the 39 unclassified crimes in Table 6 as class D felonies without changing their prison penalties or fines. If a crime currently has a maximum fine higher than \$5,000, the maximum fine for a class D felony, the bill retains the current maximum fine. In three instances, the bill also retains a minimum fine (§§ 96-98).

Table 6: Unclassified Felonies Classified as D Felonies Without Changing Prison Penalties or Fines

<i>Bill §</i>	<i>Statute §</i>	<i>Description</i>	<i>Current Penalty (prison term, fine, or both)</i>
22	14-149(f)	Altering a motor vehicle identification number or possessing a vehicle with an altered number (2 nd and subsequent offenses)	Up to five years Up to \$5,000

41	10-390	Illegal acts at archeological or sacred sites	Up to five years Up to \$5,000 or twice value of site or artifact
59	14-149a(b)	Operating a chop shop (1 st offense)	Up to five years Up to \$5,000
59	14-149a(b)	Operating a chop shop (2 nd and subsequent offenses)	Up to five years Up to \$10,000
60	14-299a(f)	Traffic signal preemption device violations causing an accident	Up to five years Up to \$15,000
62	16-33	False statement-report to public utility regulators	Up to five years Up to \$5,000
63	16a-18(b)	Creating a fuel shortage	Up to five years Up to \$250,000
67	17b-30(d)	Illegally releasing biometric identification	Up to five years Up to \$5,000 plus prosecution costs
68	9a-32d(c)	Violating embryo, egg, or sperm disposal requirements	Up to five years Up to \$50,000
68	19a-32d(f)	Violating embryonic stem cell research requirements	Up to five years Up to \$50,000
87	20-581	Violating the Pharmacy Practice Act, including practicing pharmacy without a licence	Up to five years Up to \$5,000
89	22a-131a(a)	Violating the hazardous waste records requirements (2 nd and subsequent offenses)	Up to five years Up to \$50,000 per day
89	22a-131a(b)	Violating hazardous waste permit or order requirements (1 st offense)	Up to five years Up to \$50,000 per day
89	22a-131a(c)	Violating used oil requirements (2 nd and subsequent offenses)	Up to five years Up to \$100,000 per day
90	22a-226a	Illegally disposing of asbestos, violating waste facility requirements or permits, handling waste without a permit, illegal dumping, violating solid waste management regulations, violating resources recovery regulations, or violating a waste abatement order (2 nd and subsequent offenses)	Up to five years Up to \$50,000 per day

91	22a-226b	Illegally disposing of asbestos, violating waste facility requirements, handling waste without a permit, illegal dumping-imminent danger, violating solid waste management regulations, violating resources recovery regulations, or violating a waste abatement order (2 nd and subsequent offenses)	Up to five years Up to \$250,000
95	29-353	Illegally possessing unlabeled explosives	Up to five years Up to \$10,000
96	31-15a	Employer, parent, or guardian violations: illegal hours of labor at manufacturing, mechanical, or mercantile work or employing minors at night Employer: permitting illegal employment of minor; illegal hours of labor-other establishments; certain employers-failing to post hours of employment of minors, elderly, and people with handicaps; illegally employing a minor in certain work; or illegally employing a minor in hazardous work	Up to five years \$2,000 to \$5,000
97	31-69(b)	Minimum wage violation-unpaid wages under \$2,000	Up to five years \$4,000 to \$10,000
98	31-71g	Violating wage payment requirements over \$2,000	Up to five years \$2,000 to \$5,000
99	36b-51(a)	Violating the Tender Offer Act	Up to five years Up to \$5,000
100	38a-140(c)(2)	False statement-holding company officer	Up to five years Up to \$50,000
101	40-51	Illegally issuing a warehouse receipt	Up to five years Up to \$5,000
102	40-53	Illegally duplicating a warehouse receipt	Up to five years Up to \$5,000
103	41-47	Fraudulently issuing a bill of lading	Up to five years Up to \$5,000
104	41-49	Illegally issuing a duplicate bill of lading	Up to five years Up to \$5,000
105	41-51	Illegally transferring a bill of lading	Up to five years Up to \$5,000
106	41-52	Soliciting an illegal bill of lading	Up to five years Up to \$5,000

107	41-53	Issuing an improper nonnegotiable bill of lading	Up to five years Up to \$5,000
108	42-232(d)	Intentionally violating or repeatedly violating a supply emergency order	Up to five years Up to \$5,000
111	53-20(a)(1)	Intentional cruelty to persons	Up to five years Up to \$5,000
111	53-20(b)(1)	Intentional cruelty to a child under age 19	Up to five years Up to \$5,000
114	53-247(a)	Animal cruelty (2nd and subsequent offenses)	Up to five years Up to \$5,000
114	53-247(b)	Maliciously wounding or killing an animal	Up to five years Up to \$5,000
114	53-247(c)	Using an animal for fighting	Up to five years Up to \$5,000
114	53-247(d)	Injuring a peace officer animal or volunteer canine search animal	Up to five years Up to \$5,000
118	53-347a(a)	Forging a stamp or label	Up to five years Up to \$250,000
118	53-347a(b)	Affixing a fraudulent marking	Up to five years Up to \$250,000
118	53-347a(c)	Using a counterfeit marking	Up to five years Up to \$250,000

CLASS C FELONIES

The bill classifies the following six crimes as class C felonies. In doing so, it keeps the same maximum prison penalty for these crimes but adds a one year minimum sentence, which is not a mandatory minimum sentence and can be suspended entirely by the sentencing judge. Regarding fines, the bill does not change the fine for one of these crimes, which matches the \$10,000 maximum fine for a class C felony; increases the fine for one crime to the \$10,000 maximum fine for a class C felony; and retains the higher fines set in current law for four of these crimes. Table 7 displays these crimes.

Table 7: Unclassified Felonies Classified as C Felonies

<i>Bill §</i>	<i>Statute §</i>	<i>Description</i>	<i>Current Penalty (prison term, fine, or both)</i>
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13	21a-255(b)	Certain controlled substance violations including failing to keep drug records with intent to violate the drug laws and various other controlled substance violations without other penalties such as making controlled substances without a license, illegally dispensing them, and violating labeling requirements (2 nd and subsequent offenses)	Up to 10 years Up to \$10,000
88	21a-279(b)	Possessing a hallucinogen or more than 4 oz. marijuana (2 nd and subsequent offenses)*	Up to 10 years Up to \$5,000
89	22a-131a(b)	Violating hazardous waste permit/regulations (2 nd and subsequent offenses)	Up to 10 years Up to \$100,000 per day
121	22a-438(c)	Knowingly violating water pollution control requirements (2 nd and subsequent offenses)	Up to 10 years Up to \$100,000 per day
121	22a-438(e)	Illegally discharging gasoline (2 nd and subsequent offenses)	Up to 10 years Up to \$100,000 per day
122	22a-628(b)	Violating mercury requirements (2 nd and subsequent offenses)	Up to 10 years Up to \$50,000 per day

*The law authorizes an alternative indeterminate sentence for this crime which is unchanged by the bill.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 44 Nay 0 (04/12/2013)